

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION
JULY 18, 2006**

The regular session of the Auburn City Planning Commission was called to order on July 18, 2006 at 6:46 p.m. by Chairman Thompson in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Kosla, Merz, Smith, Worthington, Chrm. Thompson

COMMISSIONERS ABSENT: None

STAFF PRESENT: Will Wong, Community Development Director; Reg Murray, Senior Planner; Steve Geiger, Associate Planner; Sue Fraizer, Administrative Assistant

ITEM I: CALL TO ORDER

ITEM II: APPROVAL OF MINUTES

NONE.

ITEM III: PUBLIC COMMENT

NONE.

ITEM IV: PUBLIC HEARING ITEMS

- A. Rezone, General Plan Amendment, Tentative Subdivision Map, Design Review Permit, Tree Permit, And Variance – 580 Wall Street (Wall Street Gardens Condominiums) – File RE 05-2; GPA 05-3; DRP 05-7; TP 05-7; VA 05-9.** The applicant requests approval to construct a 31-unit residential condominium development on a 2.03 acre lot situated on the north side of Wall Street. The development includes three 3-story residential condominium buildings totaling ±square feet, five (5) structures housing thirty-one (31) garages totaling 7,115 s.f.,

parking and landscape areas, and a common area including an outdoor pool and a spa.

Planner Murray gave the staff report. This proposal has multiple entitlements associated with it. This proposal includes a rezone from commercial to multi-family residential, and a land use change from commercial to high density residential. The condominiums would be permitted in the commercial zone, however to avoid future problems with commercial uses, this is being changed at this time. The applicant is proposing up to 31 units with three residential structures and several garage structures, and one common area. Associated with this is a design review request. The project could include either 30 or 31 units. The size of the parcel now is sized based upon the maximum density of 15 units per acre to allow 30 units. There is an area on Wall Street that is possible for the applicant to purchase if they can secure the right of way. This would add enough square footage to allow the extra unit for a total of 31 units. There are two driveways and through circulation. Curb, gutter & sidewalk would be required on Wall Street and Auburn Ravine Rd. There will be some minor road widening on Auburn Ravine Road from edge of pavement to where the improvements will be required. Water and sewer will be looped through the property, connecting into Auburn Ravine Rd. An easement will be required for the water line, and this has already been discussed with PCWA and is anticipated to be no problem. The facility is already served by sewer lines. The three buildings will be three stories on the downhill side, and two stories on the uphill side with the colors of taupe and maroon with a green roof.

The proposal includes a total of 63 parking spaces. Staff has recommended the removal of one garage, leaving 62 spaces. Three of the 62 spaces are handicap spaces, leaving only 59 parking spaces, which is less than the City standard of two parking spaces per unit. To address this shortfall, staff has conditioned the project to provide (3) three additional parking spaces to the satisfaction of the Community Development Department. Staff included a provision that the garages will be used for parking only. Since there was a distribution issue with regard to the handicap parking, one of the handicap spaces will be relocated elsewhere.

There are 70-75 native trees on the site, a vast majority being oak trees. Some conditions were added relative to narrowing the width of the drive aisle to 25' as opposed to 30' to

minimize impact to the trees, to use a porous concrete, and relocation of the refuse enclosure as far to the west as possible to avoid trees.

There are some new conditions provided to the Commissioners this evening relative the right of way off of Wall Street, and accessibility and adaptability of the buildings to comply with the building code. Staff recommends approval of the project.

Comm. Kosla asked if City Council will have to approve this project after this Planning Commission meeting.

Planner Murray replied that it will only be reviewed by City Council for the General Plan Amendment and Rezone.

Comm. Kosla asked if the CC & R's are recorded on the Title, and where someone would go to find what the CC & R's are.

Planner Murray said yes, they are recorded by the City and the County. Anyone purchasing a condominium at this location would be provided a copy of the CC & R's.

Comm. Kosla asked who has the authority to enforce the CC & R's.

Planner Murray replied that most likely the condominium homeowner's association would have to self-police.

Comm. Kosla asked if the idea behind one vehicle being in the garage is so that the other parking space would be for either a guest or a resident who owned two vehicles.

Planner Murray said that is correct.

There was discussion between Comm. Kosla and Planner Murray regarding a garage being used for storage.

Comm. Kosla asked if the power line will be above or below ground.

Planner Murray stated that the typical requirement would be for underground utilities, but P G & E will make the determination.

Chrm. Thompson asked for clarification about how many units are being proposed.

Comm. Worthington asked if the Fire and Public Works Departments reviewed this project.

Planner Murray replied that the plans were reviewed by all of the development review departments which includes the fire department and public works. Although 15% slope was exceeded, both departments accepted 17% slope for this project.

Comm. Merz asked for further explanation about the parking spaces/garage spaces.

Planner Murray explained about one stall being removed to allow for a full drive aisle. If the applicant builds 31 units, they will need to relocate one of the garages so that there are enough garage spaces to accommodate all of the tenants.

Comm. Worthington believes the trash enclosure should be moved to a different location to prevent damage to trees.

The public hearing was opened.

The applicant Tony Gallas, who represents the partnership that owns the property stated that he, the project engineer and the architect were available to answer any questions.

Comm. Worthington stated that there are natural conflicts between landscaping and native trees. She noted that the plans show that some of these conflicts will be addressed with a final landscape plan.

Mr. Gallas responded that when the project is approved, they will be working closely with staff. He is very sensitive to the trees, and will be doing all he can to preserve them.

Comm. Worthington asked Mr. Gallas if they will be using or improving the existing culvert under Auburn Ravine Rd.

Mr. Gallas replied that he will ask the engineer. As they start doing the improvement plans, they will determine if they will use the existing culvert, or use a new one.

Comm. Worthington expressed her desire that they consider using some turf reinforcement. She asked if the applicant has considered a buffer zone from the existing housing to the north.

Mr. Gallas replied that if the City requires a fence, he would like for it to be the least visually obtrusive as possible. There are several trees and shrubs on the property line.

Comm. Smith asked Mr. Murray if there was going to be a turnout to the complex from Auburn Ravine Rd.

Planner Murray replied that the traffic engineer determined that a separate turn lane was not required.

Comm. Smith is concerned because the report is 15 months old and may not be accurate at this time. He believes that motorists will use Wall Street because it is shorter and that would adversely affect the businesses there.

Planner Murray stated that the Public Works department has reviewed the traffic analysis and deemed it to be appropriate. Additional questions may be addressed to the Public Works Director who is in attendance tonight.

Comm. Smith replied that the study does not address traffic from Wall Street to Persimmon Terrace. He is sure that people will use that route and is also concerned about the impact on the surrounding businesses from the amount of parking that may overflow onto the surrounding streets.

Planner Murray said that the ordinance now states that parking for multi-family residential is two spaces per unit. There is no requirement to provide additional parking for guests.

Comm. Merz wanted to make clear that the issues discussed to this point are not requirements, just suggestions. The project is still under discussion.

Mr. Gallas mentioned that a lot of these issues can and will be worked out to the satisfaction of Community Development staff.

Comm. Smith stated that he discovered that the study was actually done in October of 2005. However, he feels that a new study should be done to reflect current traffic conditions.

Planner Murray stated that the only project in the area he can think of which would affect the traffic on Auburn Ravine Rd. is the Meadows subdivision.

Comm. Kosla asked the applicant why they chose the company they did to do the traffic study.

Mr. Gallas replied that they are a large traffic engineering company and he has used them in this community before.

Comm. Kosla asked staff if this company has done work in this community before.

Planner Murray said that the Public Works Director has said that they have and it is a noted firm.

The public hearing was closed.

Chrm. Thompson asked Staff if it is in the Planning Commission's purview to make requirements and conditions such as have been discussed tonight.

Planner Murray replied that if there are issues relative to concerns that the Commission has, and modifications and/or additions to conditions can be done.

Comm. Smith asked which oak trees are to be removed for this project.

Planner Murray stated that most of the preservation will be in the perimeter. Grading will be done in such a way as to preserve as many trees as possible. When the tree ordinance was written it was assumed that there would be casualties of the development of properties.

Comm. Smith asked how many oaks will be saved.

Planner Murray said there are approximately 20 trees that are to be saved.

Comm. Worthington showed that according to the landscaping plan she had calculated the number of trees that are scheduled to remain.

Chrm. Thompson listed the items that have been brought up by the Commissioners as concerns. First is the relocation of the trash container.

There was discussion about relocating the refuse container. Planner Murray believes that the relocation to the area mentioned may be possible without entailing a great deal of time.

Chrm. Thompson continued with the issue of the landscape design.

Planner Murray stated that staff has included a condition regarding planting near native plantings.

Chrm. Thompson also mentioned the issue of the buffer zone.

Planner Murray stated that the Commission can include a condition requiring a buffer zone.

Chrm. Thompson stated another issue is parking and traffic flow and asked Planner Murray about that.

Planner Murray said there is no ordinance stating that the development must provide guest parking.

Comm. Smith asked for a condition to be written stating that no overflow parking will be allowed on Wall Street.

Jack Warren, Director of Public Works talked about the left turn lane. He felt that a left turn lane should be required, however the professionals were able to show him that it is not necessary. There is action that can be taken to prevent motorists from taking the shortcut from Wall Street to Persimmon Terrace.

It was determined that this can be addressed at a later time if necessary.

Comm. Smith said that he would like to have a condition for pavement management.

Comm. Worthington said she would like to see a pre-determined construction vehicle route.

Director Warren said the simplest way to deal with the construction traffic is to add a condition that the pavement will be no worse after the project than it is now. Also, this project has already been conditioned for the overlay. He also stated that a route can be worked out for the construction traffic.

Comm. Worthington **MOVED** to:

Amend Condition #6B, part three to relocate the refuse enclosure from the southeast corner of the parking lot, to be centrally relocated to the satisfaction of the Community Development Department.

Comm. Merz **SECONDED**.

AYES: Kosla, Merz, Smith, Worthington, Chrm.
Thompson
NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

There was discussion about adding or changing a buffer zone between the existing residential property next to this project.

Comm. Worthington **MOVED** to:

Add a condition to add a buffer zone that is a combination of a fence and native/additional landscaping.

Comm. Smith **SECONDED**.

AYES: Smith, Worthington
NOES: Kosla, Merz, Chrm. Thompson
ABSTAIN: None
ABSENT: None

The motion was denied.

Comm. Worthington **MOVED** to:

Add Condition #50 that the existing and new culvert outfalls shall use turf reinforcement mat to the satisfaction of the Public Works Department.

There was discussion about the addition of this condition.

There was no Second to the motion, therefore the motion died.

There was discussion about pavement management and the routing of the construction traffic for this project.

Comm. Smith **MOVED** to:

Add Condition #66 that improvement plans shall include a predetermined construction traffic routing plan to the satisfaction of the Public Works Department.

Comm. Worthington **SECONDED**.

AYES:	Kosla, Merz, Smith, Worthington, Chrm. Thompson
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was approved.

Comm. Merz **MOVED** to:

Adopt Resolution 06-10 for the Wall Street Gardens Condominiums (Files # RE 05-2; GPA 05-3; SUB 05-2; DRP 05-7; TP 05-7) as presented and as amended by the Planning Commission.

Chrm. Thompson **SECONDED**.

AYES:	Kosla, Merz, Smith, Briggs, Chrm. Thompson
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was approved.

B. Tentative Subdivision Map, Use Permit, and Tree Permit –1120 Lantern View Drive (Auburn Bluffs Subdivision) - File SUB 04-1; UP 04-1; TP 04-1. The applicant requests approval of a tentative subdivision map to subdivide an approximate 9.6-acre property into thirty-three (33) single-family residential lots, a use permit to allow a

planned unit development, and a tree permit to allow the removal of ±21 native trees.

Planner Geiger gave the staff report. The subject property was part of the original Auburn Bluffs planned development which included the Vintage Oaks subdivision. In 1987, there was approval for a 65-unit condominium project on property that included the subject site. 19 of the condominiums were built, the remaining 46 were not. As a part of the project's approval, specific conditions were placed on the project which established maximum finished floor elevations for some of the proposed condominium buildings. These conditions were required in order to preserve views to the southwest for two specific properties located on Humbug Way. These conditions were agreed to by the developer and the neighboring residences and were not proposed by the Planning Commission. The minutes are included in the Commissioner's packets. The civic design for this previous condominium project is still valid today, however a new map application is required. This applicant proposes a new project, a single-family residential subdivision, therefore the applicant is not bound by the previous conditions.

The City of Auburn does not have a "View Protection Ordinance", nor are there any established "View Protection Corridors" that would require this applicant to take into consideration the views for neighboring properties in the design of this project.

The applicant is proposing 33 single-family lots, ranging in size from 5,712 square feet to 53,237 square feet. The existing streets already have curb, gutter and sidewalk. The applicant has submitted a use permit application for the subdivision to be developed as a Planned Unit Development (PUD). The Community Development Department has reviewed the project for consistency with the purposes, standards, and design criteria for PUD's and determined that the proposal meets these criteria. Staff believes the project is an acceptable alternative to the previously approved condominium units. Planner Geiger listed the variations to lot size, lot width/frontage, front yard setback, side yard setback, grading and development limit line, height limitation on residences on lots 1-13, treatment of rear elevations on lots 1-13. The details for these items are provided in the Staff Report. On-street parking shall be limited to one side of the streets serving the subdivision, and will be prohibited in the cul-de-sac areas.

Planner Geiger spoke about grading, drainage, sewer and required fees, structures, fencing and landscaping, development buffer between the hillside lots and Vintage Oaks subdivision, views and scenic resources and the tree permit. He noted that the Commission has been provided tonight with additional letters received since the packets were delivered on Friday. Along with that is a memo from staff with recommended changes to Condition #6 with regard to sideyard set-back and height limitations for proposed lot #15. Staff is recommending approval of this project.

Comm. Merz asked about the need for a homeowner's association to enforce the items that would be required for this project.

Planner Geiger replied that there is no requirement for a homeowner's association. In Condition #6, it requires that specific conditions of approval be recorded with the map.

Director Wong also stated that each homeowner will be required to have an arborist's report.

Chrm. Thompson stated she believes it would be conducive to have a Homeowner's Association, and asked if the Commission can require one.

Director Wong explained why it is not required for this project.

Comm. Kosla expressed concern that with this proposal, some of the current property owners will have three neighbors in their back yard.

Director Wong talked about the reasons why this subdivision is being proposed rather than the previous project, and how the current subdivision map was arrived at.

Comm. Kosla asked how much more street width would be required to be wide enough to allow parking on both sides of the street.

Planner Geiger replied that the street is currently 24 feet wide, and that would require a 34 foot width.

Comm. Kosla asked if there are other subdivisions in the City that require parking on one side only.

Director Wong said yes, there are.

Comm. Worthington asked if the City is required to use the existing street alignment or can some streets be eliminated if the Commission felt the density is too high.

Director Wong stated that this project does not exceed density limits. In Staff's opinion, the streets are adequate.

The public hearing was opened.

The applicant, Kam Mansourian, President of California Trends Builders Group stated that their goal is to build a quality development which will be an asset to the City.

Bob Barrett with Parati of California, 590 Menlo Drive in Rocklin, spoke about the infrastructure being designed for the condominiums that were originally planned. This project will require a 2" overlay onto the existing pavement, the addition of driveways, and replacement of curb, gutter and sidewalk. 49 units could be built on this size property if it were developed to the R-1-8.5 density standard. They are proposing 33 units. They are attempting to save the maximum number of trees possible. The majority of the parcels are relatively level, enabling the builders to work around a lot of the trees.

Mike Holmes, 1114 Humbug Way stated that his residence and the one at 1112 Humbug do not have a view. He asked for a requirement that a privacy wall similar to the one constructed for the Grayhorse subdivision be constructed behind both properties to separate them from the new homeowners. He would also like to see that the existing trees along the back of the lots be retained.

Mark Brumm of 1112 Humbug Way agreed that he would also like the privacy wall.

Robert Knepp of 1135 Lantern View Drive lives in a townhome constructed in the original development, and represents other residents there. They request that the PUD status be denied. They would like 3-4 fewer lots. He requests that lots 11 & 12 be eliminated, which would allow lots 1 through 10 to have 80 foot frontages. They request a minimum of 7 ½ foot sideyard setbacks, and 20 foot front setbacks be provided for the residences.

Tom Rogers, residing at 1120 Humbug Way which abuts Lot #21 stated that he, along with other residents on Humbug are concerned about the loss of their views. Since 3 acres is unbuildable, the density is affected. His belief is that the conditions placed in 1987 should be binding and that the height restriction should remain in effect.

Nancy Thomas who resides at 1122 Humbug Way believes when Humbug Way was built the homeowners' understanding was that the view would not be compromised. She is trying to sell the home, and does not want the view to be affected.

Pat Huber of 1222 High Street who is associated with the Auburn Bluffs Homeowners Association said that the members have asked her to speak. They believe there should be a homeowner's association for this development. She discussed views and fencing and requested denial of this project. She asked that the Commission consider the originally approved condominium project.

Brian Gruber, 10911 Sluicebox Circle requests denial of this project. It will block views and destroy beautiful trees.

Eric Lombardi, 1101 Rough Rider Court is concerned about the density, and the lack of open space and a common area.

Tim DeWitt, 11050 Sunrise Ridge Circle lives below this development. He demonstrated by use of a model what the new homes on the proposed hillside lots would look like if they were 5000 square feet. He feels that with this proposal, the homes would be large and unattractive for those living in his neighborhood, and those entering Auburn via Auburn Folsom Rd. He stated the elevation provided by the applicant is not adequate. A deck off the back of a residence on a hillside lot would contain all sorts of cross bracing and would create an aesthetic impact. He would like to see a condition restricting the height of these decks. In addition, he would propose that fencing for the hillside lots be required to be open wrought iron.

Comm. Merz stated he did not think the homes would be 5000 square feet, but 3500 square feet.

Planner Geiger stated that in the proposal, the home description is for a 3500 square foot home. There is no restriction or condition for the size of the homes.

Robert Knepp, 1135 Lantern View Drive, believes that once this project is approved, the applicant will be selling the lots. He asks that the lots be decent sized lots.

Bob Barrett of Parati of California spoke about the privacy wall. Some of the existing homes to the east have wood fencing, some have wrought iron fences. If a block wall is added for the two homes requesting it, there will be a lot of inconsistency. He talked about trees on the property line being outside the building envelope. He stated that there has been no interest shown in building townhomes at this location and that the proposed project is at a lower density than what is permitted. He pointed out that if new streets were to be installed, they would have to meet ADA requirements, and there would be issues with handicap access, change in street and sidewalk grades, and the installation of curb returns.

There was discussion about the ADA requirements. Mr. Barrett said that he believes that single-family dwellings do not have the same ADA requirements as condominiums do.

Comm. Worthington asked if they would be able to remove a cul-de-sac since they would already be replacing underground utilities. This would help to increase lot sizes.

Mr. Barrett said that would entail vacating public right of way, which would require approval of City Council.

James Cooper, 560 Menlo Drive in Rocklin, California, the principal architect of Parati of California stated he is not the architect of record, but has been hired to help the applicant envision what could be done with this property. He reviewed the model prepared by Tim DeWitt and provided some clarification.

The public hearing was closed.

There was discussion about pad-grading. Planner Geiger stated that the existing driveway cuts will have to be replaced as necessary for the proposed lots.

Comm. Worthington believes that the streets will be significantly affected by the installation of the underground utilities. She would like to see a new lot layout.

Planner Geiger stated that Staff's intent is to assist the applicant in arriving at a suitable plan that meets City requirements, and they believe this is a suitable plan.

Comm. Kosla said he believes this is a good start, but there are a lot of issues, and there should be more discussion between the existing residents and the developer.

Comm. Merz stated he cannot support this project as it is presented because there are too many issues. He believes it doesn't meet the intent of a planned unit development because it does not provide for open space or clustered density.

There was discussion about the process if the project is approved, continued or denied. Director Wong stated that if it is continued, the Commission must make very clear to the applicant what they should bring back to the next hearing. If it is denied, the applicant can appeal to the City Council.

Comm. Merz **MOVED** to:

Deny the Auburn Bluffs subdivision (Files # SUB 04-1; UP 04-1; & TP 04-1) as presented based on the following findings:

1. The project is not consistent with the purposes of a planned unit development.
2. The project departs from zoning and subdivision regulations otherwise applicable to the subject property, including lot size requirements, lot width/frontage requirements, building setback requirements, and height limitation requirements. These departures from the regulations are not deemed to be in the public interest.
3. The proposed planned unit development will not have a beneficial relationship to the neighborhood in which it is proposed to be established.

Comm. Worthington **SECONDED**.

AYES: Kosla, Merz, Smith, Worthington, Chrm.
Thompson

NOES: None
ABSTAIN: None
ABSENT: None

The motion was approved.

ITEM V: COMMUNITY DEVELOPMENT FOLLOW-UP REPORTS

- A. The Murphy Lot Split appeal will be heard at the August 14, 2006 City Council meeting.
- B. There will be a meeting on August 1, 2006
- C. None.

ITEM VI: PLANNING COMMISSION REPORTS

None.

ITEM VII: FUTURE PLANNING COMMISSION AGENDA ITEMS

Comm. Smith would like to have a discussion about the pavement management system, specifically for truck routes for construction vehicles.

Comm. Worthington would like to have a discussion about window signage, a master plan for trails, a presentation about the gateway monumentation, and the corridor management plan for Highway 49.

ITEM VIII: ADJOURNMENT

The meeting was adjourned at 11:45 p.m.

Respectfully submitted,

Susan Fraizer, Administrative Assistant

